

**BOARD OF DENTISTRY  
MINUTES OF REGULATORY/LEGISLATIVE COMMITTEE  
Advisory Forum on Dental Assistant Regulations**

**Wednesday, September 10, 2008**

**Department of Health Professions  
9960 Mayland Drive, 2<sup>nd</sup> Floor  
Richmond, Virginia 23233  
Board Room 3**

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- CALL TO ORDER:** The meeting was called to order at 1:10 p.m.
- PRESIDING:** James D. Watkins, DDS, Chair
- MEMBERS PRESENT:** Jacqueline G. Pace, RDH  
Paul N. Zimmet, DDS  
Jeffrey Levin, DDS  
Myra Howard
- MEMBERS ABSENT:** None
- STAFF PRESENT:** Sandra Reen, Executive Director  
Elaine Yeatts, Senior Policy Analyst  
Angela McPhail, Administrative Assistant
- COUNSEL PRESENT:** Howard Casway, Senior Assistant Attorney General
- QUORUM:** All committee members were present.
- ADVISORS PRESENT:** Virginia Dental Assisting Association - Gloria Langmeyer, CDA  
Commonwealth Dental Hygiene Society - Ms. Greenwood, RDH  
Old Dominion Dental Society - Barry Griffin, DDS  
VCU School of Dentistry - Ron Hunt, DDS  
Virginia Dental Hygienists' Association – Marge Green, RDH  
Virginia Dental Association - Roger Wood, DDS  
Representative for community college programs - Nancy Daniel, CDA  
Representative for high school programs - Ms. Michelle Bernard
- ADVISORY FORUM:** Dr. Watkins convened the forum indicating that public comment will be received at the end of the meeting. He then asked the advisors, board members and staff to introduce themselves and the organizations they represent. He thanked everyone for attending and explained that the recommendations the advisors make during the forum will be used to develop a discussion draft of regulations for the Regulatory/Legislative Committee (the Committee). He noted that the slide presentation will be used to assist everyone in following the reports and he encouraged everyone to make note of any questions that might arise for

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discussion after all the advisors have presented. He then asked Ms. Reen to address the regulatory development process.

Ms. Reen reported that the Board, at its June 6, 2008 meeting, adopted the Notice of Intended Regulatory Action (NOIRA) to start the regulatory process and asked the Committee to obtain input from key constituencies before developing proposed language. She noted that today's forum was convened to get that input and that the Committee will meet again on October 10, 2008 to discuss the draft staff will develop using the recommendations received today. She advised that the Board will then consider the proposed regulations and decide whether to continue work on the regulations or to adopt them for publication. She indicated that there is a 30 day public comment period at the NOIRA stage which is pending the Governor's approval for issuance and that there will be a 60 day public comment period and a public hearing when proposed regulations are published.

Dr. Watkins advised that the October 10, 2008 date for the Committee meeting needed to be changed and a new date would be announced. He asked each organization to give its recommendations for the education and training requirements, qualifications for registration and the duties that might be delegated to a dental assistant II.

**Ms. Langmeyer** reported that the VDAA wants the regulations to require continuing education consistent with DANB requirements; CPR certification; and, posting of the DANB certification for patients. She encouraged a nominal annual registration fee of \$55 then reviewed a chart of duties that might be delegated. She recommended development of the terms used to address the level of supervision required for delegated duties and provided language from the Ohio Administrative Code for consideration. She indicated that training programs need to be accredited and include hands on opportunities and offered language from the Ohio Administrative Code which she noted also includes a restriction on the number of expanded function dental assistants a dentist might employ. She stated that a listing of delegable duties should be posted in dental offices and concluded by encouraging the Board to be proactive.

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**Ms. Greenwood** stated that the CDHS would like eligibility to be limited to assistants who have completed a CODA accredited program or have 5 years experience plus passage of a clinical examination for registration. She spoke in favor of an annual continuing education requirement of 15 hours and an annual renewal fee of \$50. She reported concern for any delegation of scaling and recommended an age limit of over 18 be set if supragingival scaling is included as an expanded function. She indicated that there should be a limit on the number of Certified Dental Assistants II allowed per doctor in a practice.

**Ms. Green** advised that the VDHA wants a clear differentiation between the unregistered DA I and registered DA II and the duties appropriate to each level. She expressed support for having applicants be of good moral character, be reviewed for possible violations of §54.1-2706 of the Code, and attest to review of dental practice law and regulations. She indicated support for annual renewal and issuance of a registration that is posted for patients. She spoke in favor of completion of an accredited program or completion of the exam given by the Dental Assisting National Board. She also noted that the requirements should reflect the type of practice employing the assistant such as orthodontic, oral and maxillofacial surgery or general practice. She encouraged that a job task analysis be done and that continuing education be required.

**Dr. Wood** reported that the VDA believes that regulations need to be expansive enough to have an impact on access to care so dentists who employ DA IIs should be required to be Medicaid providers`. He discussed changing language in 18 VAC 60-20-190, to limit #8 to adjusting any final, fixed or removable prosthodontic appliance and deleting #12. He stated that expanded functions should include all functions of a DA I plus placing and contouring restorative materials, and placing and removing retraction cord. The qualifications he recommended were that a dental assistant II be a Certified Dental Assistant (CDA), hold BLS and radiation certification, and have completed an accredited Expanded Function Dental Assistant program or have 5 years prior clinical experience and have passed the DANB written exam, and a clinical practical exam.

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**Ms. Daniel** recommended that a Dental Assistant II should be referenced as either a Registered Dental Assistant (RDA) or Expanded Function Dental Assistant (EFDA) which is the terminology used by many other states. She advised that provisions should be made to register assistants qualified in other states to perform Level II duties. She advised that applicants should be required to have two years of experience and have completed an accredited program. She also recommended that the registration fee be \$60, that certificates be displayed and practice should be under the direct supervision and full responsibility of the dentist. She recommended the following duties for delegation: condensing, carving and adjusting amalgams; placing, adjusting and finishing composites; placing retraction cord and taking final impressions for master casts for crowns and bridges. She concluded by advocating for accredited training programs and reviewed two courses offered by the University of Tennessee.

**Ms. Bernard** reviewed a chart on Intraoral Procedures for Virginia and another on Comparison of Surrounding States then made the following recommendations: require CPR certification and completion of an accredited program or successfully complete a Virginia Board approved Dental Careers program or complete two years on the job and pass exams or pass the DANB exam and exams in coronal polishing and Nitrous sedation. She advised that practice should be under the direct control and supervision of a dentist. She suggested that \$25 be the application and annual registration fee and that 8 to 10 hours of continuing education be required annually.

**Dr. Griffin** stated that the ODDS was very supportive of this effort and had no specific recommendations to offer today.

**Dr. Ron Hunt** recommended that education be through accredited programs and reported on the results of a survey he did with his faculty on duties that might be delegated. The duties he recommended include placement and finishing of permanent restorations; taking final impressions; placement of retraction cord, and , if limited scaling is allowed, then it should be done based on classifying the patient instead of addressing supra-gingival scaling so that Class I perio patients could be delegated.

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Dr. Watkins thanked everyone for their presentations then invited questions and discussion. The following subjects were addressed: the level of oversight to require; the feasibility of requiring participation in Medicaid; the role of a DA II in administering sedation and anesthesia; changing DA II to the designation to RDA or EFDA; portability; the difference between registration and licensure; and, restricting the number of DA IIs a dentist might supervise versus removing the restriction on employment of dental hygienists.

**PUBLIC COMMENT:**

Dr. Watkins then asked if anyone in the audience had any comments to offer.

**Ms. Gullotti** stated she works in the Chesterfield County high school program and she would like to know what impact the dental assistant regulations will have on her program. The response given was that there should not be an impact because her students fall into the Dental Assistant I category.

**Ms. Sullivan** stated her education and training and asked if she qualifies as a Dental Assistant II. The response given was that could not be determined until the regulations are final and applications for registrations are processed.

**ADJOURNMENT:**

Dr. Watkins had Ms. Yeatts review the regulatory process. He noted that all advisors were given a packet of material that DANB had provided which the Committee will also consider as it develops regulatory language. He encouraged each advisor to work within their organizations to discuss all the recommendations now on the table as well as the DANB materials and then submit additional recommendations for development of the regulations to Ms. Reen for consideration of the Committee. He indicated that Ms. Reen would let advisors know when the date and time of the Committee meeting is decided.

With all business concluded, the Committee adjourned at 3:15 p.m.

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James D. Watkins, D.D.S., Chair

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Sandra K. Reen, Executive Director

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Date

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Date